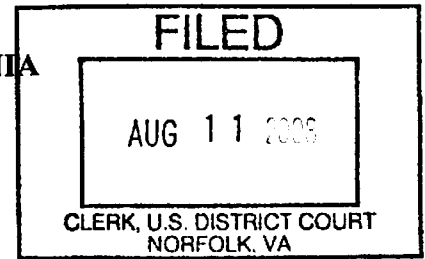


**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**
Norfolk Division



DAVID KARL DANSER, #06056-028,

Petitioner,

v.

ACTION NO. 2:07cv271

WARDEN STANSBERRY

Respondent.

FINAL ORDER

This matter was initiated by petition for a writ of habeas corpus under 28 U.S.C. § 2241. The petition was referred to a United States Magistrate Judge pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Local Civil Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia for report and recommendation. Report of the Magistrate Judge was filed on July 10, 2008, recommending that Petitioner's request in his third motion for extension of time [Document No. 33] that his petition be dismissed without prejudice to his refiling after he has exhausted administrative remedies by GRANTED. By copy of the report, each party was advised of his right to file written objections to the findings and recommendations made by the Magistrate Judge. The Court has received no objections to the United States Magistrate Judge's Report and Recommendation and the time for filing same has expired.

The Court does hereby accept the findings and recommendations set forth in the report of the United States Magistrate Judge filed July 10, 2008, and it is therefore ORDERED that the petition be DISMISSED without prejudice to the petitioner's right to refile after he has exhausted his administrative remedies.

Petitioner has failed to demonstrate “a substantial showing of the denial of a constitutional right,” therefore, the Court declines to issue any certificate of appealability pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure. See Miller-El v. Cockrell, 123 S.Ct. 1029, 1039 (2003).

/s/
Jerome B. Friedman
United States District Judge
 UNITED STATES DISTRICT JUDGE